



# The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

## Report of Finding and Sanction

Case reference: PC2021/6951/D5

Guy Rohan Sims

The Director-General of the Bar Standards Board

The Chair of the Bar Standards Board

The Treasurer of the Honourable Society of Middle Temple

### Disciplinary Tribunal

#### Guy Sims

1. In accordance with an appointment made by the President of the Council of the Inns of Court contained in a Convening Order dated 28<sup>th</sup> October 2022, I sat as Chairman of a Disciplinary Tribunal on 23<sup>rd</sup> November 2022 to hear and determine two charges of professional misconduct contrary to the Code of Conduct of the Bar of England and Wales against Guy Rohan Sims, barrister of the Honourable Society of Middle Temple.

#### Panel Members

2. The other members of the Tribunal were:

Jonathan Monk (Lay Member)

Siobhan Heron (Barrister Member)

Leon Pickering (Barrister Member)

Stephanie McIntosh (Lay Member)

#### Charges

3. The following charges were admitted by the respondent:

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## Charge 1

### Statement of Offence

Professional misconduct contrary to Core Duty 5 of the Bar Standards Board Handbook (Versions 3.0 and 4.2).

### Particulars of Offence

Guy Sims, a barrister, behaved in a way which was likely to diminish the trust and confidence which the public places in him or in the profession, in that, in 2017 and 2019, he arranged and/ or facilitated the commission of a sexual offence with a child. As a consequence of the above conduct, on 28 July 2021, Mr Sims was convicted of three counts of arranging and/or facilitating the commission of a child sex offence, contrary to s14(1) of the Sexual Offences Act 2003, for which, on 6 October 2021, he was sentenced to three and half years in prison.

## Charge 2

### Statement of Offence

Professional misconduct contrary to rC8 of the Bar Standards Board Handbook (Versions 3.0 and 4.2)

### Particulars of Offence

Guy Sims, a barrister, behaved in a way which could reasonably be seen by the public to undermine his honesty and integrity in that, in that, in 2017 and 2019, he arranged and/ or facilitated the commission of a sexual offence with a child. As a consequence of the above conduct, on 28 July 2021, Mr Sims was convicted of three counts of arranging and/or facilitating the commission of a child sex offence, contrary to s14(1) of the Sexual Offences Act 2003, for which, on 6 October 2021, he was sentenced to three and half years in prison.

## Parties Present and Representation

4. The respondent was present (by video link from prison). He was not represented. The Bar Standards Board (“BSB”) was represented by Rachael Gourley of counsel.

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## Preliminary Matters

5. The respondent had applied for the substantive hearing to be held in private.
6. It was established that the respondent had not yet received the BSB's skeleton arguments which had been sent to him, as his physical and electronic mail has first to go through the Offender Management Unit ('OMU') to ensure that it is appropriate.
7. It was then established that the documents had been received by the OMU but not yet reviewed.
8. It was therefore arranged for the Clerk to screenshare the skeleton argument so that Mr Sims could read it. This was done. The respondent then confirmed that he was willing to proceed.
9. The BSB agreed that the application for the main hearing to be heard in private should itself be heard in private, and the panel proceeded to do so. The panel carefully considered the respondent's application and dismissed it with reasons given at the time. The panel therefore proceeded with the substantive hearing in public.

## Pleas

10. The charges were put to the respondent, and he accepted them for the purposes of these proceedings.

## Evidence

11. Miss Gourley made submissions directing the panel to the Sanctions' Guidance.
12. The respondent, Mr Sims, accepted that he would be disbarred. He indicated that he did not wish to practice as a lawyer again. He had taken up creative writing but saw his employment prospects as very limited on release, with his release date 4<sup>th</sup> July 2023.
13. He informed the tribunal that he has received psychological support and is likely to have attendance on a course called Horizons as a licence condition on his release. This course focuses on positive thinking for the future.

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## Sanction and Reasons

14. The panel retired to consider sanction, returning to give the following decision:

'The Tribunal have considered two charges of professional misconduct against the Respondent arising out of his conviction after trial in the Crown Court of three offences of arranging and/or facilitating the commission of child sexual offences for which he was sentenced to 3½ years imprisonment, a sentence which he is still serving. The Tribunal have details of the offences and have the sentencing remarks of the Crown Court judge. His offending revealed a persistent intention at the time to exploit vulnerable victims. Charge 1 in the misconduct proceedings alleges behaviour likely to diminish trust and confidence which public places in the Respondent and in the profession. Charge 2 alleges that his behaviour could reasonably be seen by the public to undermine his honesty and integrity.

The Respondent has accepted both charges and pleaded guilty to them. He has not in any sense sought to contest the charges in general or in detail.

The Tribunal consider that these sexual offences clearly undermine public confidence in the profession and that is something to be reflected in the sanction to be imposed.

The decision of the Tribunal is unanimous in respect of the sanction to be imposed in this case.

We have been referred to the current Sanctions Guidance which states the purposes of sanctions in these proceedings. These include promoting high standards and maintaining public confidence and trust in the profession.

The Guidance requires a staged approach in any case. The first consideration is the appropriate categorisation of the misconduct within the Guidance. We are satisfied that the appropriate category is that relating to misconduct of a sexual nature. The next stage is to consider the seriousness or otherwise of the misconduct. The misconduct in this case was certainly serious in that there was clear grooming behaviour and preparation for intended abuse and exploitation of children for sexual purposes. That was certainly reflected in the custodial sentence imposed. In the circumstances of the offending in this case, no actual harm was suffered by any individual person or child. But clearly there was the potential for such harm if the Respondent had been able to carry out what he clearly intended to do. Then the Tribunal have to consider the indicative range of sanctions set out in the Guidance. The Tribunal consider there to have been significant culpability and also consider that serious harm was intended. This was not a case of isolated offending. It is then necessary to consider any aggravating or mitigating factors. The aggravating factors do not need to be repeated. In mitigation, it is pointed out that this was outside anything to do with the Respondent's professional practice. He self-reported his misconduct and has admitted the charges against him in these proceedings. He has of course paid a high price for his behaviour, and we accept that he now has shown some insight and remorse. Indeed, he accepted today in his submissions to the Tribunal that his behaviour was deplorable and that the likely consequences should follow. In the view of the Tribunal, he should have some credit for the dignity and realism which he has shown. He has no previous criminal convictions

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that we are aware of and no previous disciplinary record. It is the view of the Tribunal that inevitably in this case disbarment must be imposed and that is the unanimous decision of the Tribunal.'

15. Application was made by the BSB for costs of £1,560 (inclusive of VAT). This was opposed by Mr Sims as he did not receive the schedule until lunchtime that day (in breach of the mandatory wording of the rule stating that there must be service no later than 24 hours before the hearing). As he is in prison he is earning minimally and does not know what his financial position will be when out of custody.
16. The tribunal retired, and on their return ruled that there would be no award as to costs.
17. Mr Sims also made applications relating to the publication of the finding and report by reference to rE243 and rE243A. He wished for there to be minimal details released into the public domain and noted that the particulars of the charges are the salacious parts. He requested that the statements of offence and the sanction only be published.
18. Under rE243 and E243A of the current BSB Handbook the following procedures apply to the publication of the finding and sanction of a Disciplinary Tribunal and to the publication of the report of a Disciplinary Tribunal.  
rE243 provides:  
"BTAS:  
must, where charges are proved, publish the finding and sanction of the Disciplinary Tribunal on its website within 14 days of the date when the Disciplinary Tribunal's proceedings end, unless, on application by the respondent at the hearing, the Disciplinary Tribunal directs that it is not in the public interest to publish the finding and/or sanction..,";  
and rE243A provides:  
"BTAS:  
must, where charges are proved, publish the report of the Disciplinary Tribunal decision on its website within a reasonable time after the date when the Disciplinary Tribunal's proceedings end, unless, on application by the respondent at the hearing, the Disciplinary Tribunal directs that it is not in the public interest to publish the report".
19. The tribunal considered these applications and have reconsidered them on finalisation of the report.

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20. The normal starting point is for publication of the decision of the tribunal and for explanation of the sanction imposed in any particular case. Having considered the arguments the tribunal have agreed that there should not be anonymisation and that no direction should be made to prevent or restrict publication by BTAS. The tribunal decided that the principle of open justice should not be derogated from in the circumstances of this case.

21. The Treasurer of the Honourable Society of Middle Temple is requested to take action on this report in accordance with rE239 of the Disciplinary Tribunal Regulations 2017.

**Dated: 30 November 2022**

**HH James Meston KC  
Chairman of the Tribunal**

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